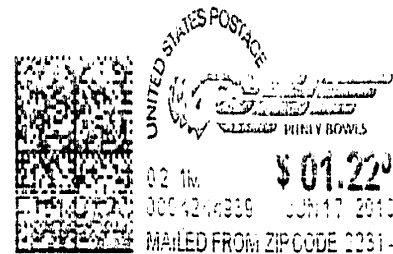


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/592,913

11/13/2006

Wendelin Jan Stark

0796-76794/DSD

5717

7590
Donald S Dowden
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

06/17/2010

EXAMINER

AHVAZI, BIJAN

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Allowability

Application No.

10/592,913

Applicant(s)

STARK ET AL.

Examiner

Art Unit

BIJAN AHVAZI

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/19/2010.
2. ☒ The allowed claim(s) is/are 1-3 and 5-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received:

The drawings filed on 09/15/2006 are accepted by the Examiner.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/10/2009
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

/BA/
Bijan Ahvazi
Examiner Art Unit 1796

/Harold Y Pyon/
Supervisory Patent Examiner, Art Unit 1796

Art Unit: 1796

SUPPLEMENTAL ACTION

1. Please address all communication, and direct all telephone calls, regarding this application to

Cooper & Dunham LLP
30 Rockefeller Plaza, 20th Floor
New York, NY 10112

2. Please see the attached supplemental PTO-37 form with corrected allowed claims and checkmark in box 2 that inadvertently was omitted in the previous communication dated 05/20/2010.

Examiner Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijan Ahvazi, Ph.D. whose telephone number is (571)270-3449. The examiner can normally be reached on M-F 8:0-5:0. (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

Application/Control Number: 10/592,913

Page 3

Art Unit: 1796

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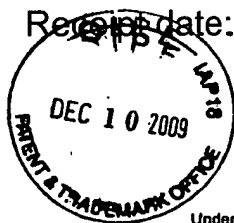
/BA/
Bijan Ahvazi
Examiner
Art Unit 1796

/Harold Y Pyon/
Supervisory Patent Examiner, Art Unit 1796

06/11/2010

Received date: 12/10/2009

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 6

Complete if Known

Application Number	10/592,913
Filing Date	November 13, 2006
First Named Inventor	Jan Wendelin Stark
Art Unit	1796
Examiner Name	Bijan Ahvazi
Attorney Docket Number	796/76794

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 2005-02227864	10-13-2005	Sutorik et al.	
	2	US- 2004-0050207	03-18-2004	Wooldridge et al.	
	3	US- 7,211,236	05-01-2007	Stark et al.	
	4	US- 4,659,617	04-21-1987	Fujii et al.	
	5	US- 2004-0126298	07-01-2004	Stark et al.	
	6	US- 2006-0229197	10-12-2006	Stark et al.	
	7	US- 5,395,606	03-07-1995	Xiao et al.	
	8	US- 6,013,318	01-11-2000	Hunt et al.	
	9	US- 4,772,736	09-20-1988	Edwards et al.	
	10	US- 5,514,822	05-07-1996	Scott et al.	
	11	US- 5,989,514	11-23-1999	Bi et al.	
	12	US- 6,030,914	02-29-2000	Matsui	
	13	US- 4,501,823	02-26-1985	Masuda	
	14	US- 6,887,566	05-03-2005	Hung et al.	
	15	US- 7,220,398	05-22-2007	Sutorik et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY			
	16	EP 1142830 A1	10-10-2001	Hennig et al.		
	17	EP 0803471 A2	10-29-1997	Mangold et al.		
	18	WO 2001-036332	05-25-2001	Hung et al.		
	19	WO 2000-027754	05-18-2000	Kumar et al.		
	20	EP 0841304 A1	05-13-1998	Matsui et al.		
	21	WO 2003-070640	08-28-2008	Sutorik et al.		

Examiner
Signature

/Bijan Ahvazi/

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Application Number	10/592,913
		Filing Date	November 13, 2006
		First Named Inventor	Jan Wendelin Stark
		Art Unit	1796
		Examiner Name	Bijan Ahvazi
Sheet 2	of 6	Attorney Docket Number	796/76794

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	22	L. Madler et al. (2002) "Flame-made ceria nanoparticles", J. Mater. Res., Vol. 17, No. 6, pgs. 1356-1362	
	23	A.R. DiGiampaolo et al. (1998) "ZrO ₂ coatings on stainless steel by aerosol thermal spraying", Advances in Tech. Materials & Mat. Processing Journal, 1(1), 90-100 (abstract)	
	24	L. Madler et al. (2002) "Bismuth Oxide Nanoparticles by Flame Spray Pyrolysis", J. Am. Ceram. Soc., Vol. 85, No. 7, pgs. 1713-1718	
	25	S.T. Aruna et al. (1998) "Combustion Synthesis and Properties of Nanostructured Ceria-Zirconia Solid Solutions", Nanostructured Materials, Vol. 10, No. 6, pgs. 995-964	
	26	U.S. Patent Appln. Serial No. 10/592,913 filed November 13, 2006 and presently being examined in GAU 1796	
	27	Madler et al. (Feb. 2002) "Controlled synthesis of nanostructured particles by flame spray pyrolysis" Journal of Aerosol Science, Vol. 33, pgs. 369-389	
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	31	Jarcho, M. (1981) "Calcium-Phosphate Ceramics as Hard Tissue Prosthetics." Clin. Orthopaedics and Related Research, 259-278	

Examiner Signature	/Bijan Ahvazi/	Date Considered	06/15/2010
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**INFORMATION DISCLOSURE
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Complete if Known

Application Number	10/592,913
Filing Date	November 13, 2006
First Named Inventor	Jan Wendelin Stark
Art Unit	1796
Examiner Name	Bijan Ahvazi
Attorney Docket Number	796/76794

Sheet 3 of 6

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	32	de Groot, K. (1983) "Bioceramics of Calcium Phosphate" (ed. de Groot, K.) (CRC Press, Boca Raton)	
	33	LeGeros, R. Z. (1991) "Calcium Phosphates in Oral Biology and Medicine" (ed. LeGeros, R.Z.) (S. Karger, Basel)	
	34	Metsger, D.S. et al. (1982) "Tricalcium Phosphate Ceramic - a Resorbable Bone Implant - Review and Current Status", Journal of the Am. Dental Assoc. 105, 1035-1038	
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	37	Cleries, L. et al. (1998) "Dissolution behaviour of calcium phosphate coatings obtained by laser ablation" Biomaterials 19, 1483-1487	
	38	Arias, J. L. et al. (2003) "Micro- and nano-testing of calcium phosphate coatings produced by pulsed laser deposition." Biomaterials 24, 3403-3408	
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	40	Sarkar, M. R. et al. (2001) "First histological observations...a novel calcium phosphate bone substitute material in human cancellous bone" Jour. of Bio. Mat. Res. 58, 329-334	
	41	Overgaard, S. et al. (1999) "The influence of crystallinity of the hydroxyapatite coating on the fixation of implants..." Jour. of Bone & Joint Surg.-Brit. Vol. 81B, 725-731	

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	42	Knaack, D. et al. (1998) "Resorbable calcium phosphate bone substitute" Journal of Biomedical Materials Research, 43, 399-409	
	43	Stark, W. J. et al. (2002) "Flame-made titania/silica epoxidation catalysts: Toward large-scale production" Indus. & Engin. Chem. Res. 41, 4921-4927	
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	45	Gauthier, O. et al. (1998) "Macroporous biphasic calcium phosphate ceramics: influence of macropore diameter & macroporosity percentage on bone ingrowth" Biomat. 19, 133-139	
	46	Weiss, P. et al. (2003) "Synchrotron X-ray microtomography...provides 3-D imaging representation of bone ingrowth in calcium phosphate biomaterials" Biomat. 24, 4591-4601	
	47	Yuan, H. P. et al. (1998) "Osteoinduction by calcium phosphate biomaterials" Journal of Materials Science-Materials in Medicine 9, 723-726	
	48	Bignon, A. et al. (2003) "Effect of micro & macroporosity of bone substitutes on their mechanical properties & cellular response" Jou. of Mat. Sci-Mat. in Med. 14, 1089-1097	
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	51	Yuan, H. P. et al. (2000) "Tissue responses of calcium phosphate cement: a study in dogs" Biomaterials 21, 1283-1290	

Examiner Signature	/Bijan Ahvazi/	Date Considered	06/15/2010
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Sheet 5	of 6	Attorney Docket Number	796/76794

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	52	Yuan, H. P. et al. (1999) "A preliminary study on osteoinduction of two kinds of calcium phosphate ceramics" Biomaterials 20, 1799-1806	
	53	Somrani, S. et al. (2003) "Thermal evolution of amorphous tricalcium phosphate" Journal of Materials Chemistry 13, 888-892	
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	56	Baxter, J. D. et al. (1966) "Physical State of Bone Carbonate - a Comparative Infra-Red Study in Several Mineralized Tissues" Yale Journal of Biology & Medicine 38, 456	
	57	Emerson, W. H. et al. (1962) "The Infra-Red Absorption Spectra of Carbonate in Calcified Tissues" Archives of Oral Biology 7, 671-683	
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	59	Jillavenkatesa, A. et al. (1998) "The infrared & Raman spectra of beta and alpha-tricalcium phosphate (Ca-3(PO4)(2))" Spectroscopy Letters 31, 1619-1634	
	60	Dorozhkin, S. V. et al. (2002) "Biological & medical significance of calcium phosphates" Angewandte Chemie-International Edition 41, 3130-3146	
	61	Daculsi, G. et al (1997) "International Review of Cytology- a Survey of Cell Biology" Vol 172, 129-191, ACADEMIC PRESS INC, San Diego	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/592,913
		Filing Date	November 13, 2006
		First Named Inventor	Jan Wendelin Stark
		Art Unit	1796
		Examiner Name	Bijan Ahvazi
Sheet 6	of 6	Attorney Docket Number	796/76794

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	62	Fulmer, M. T. et al. (2002) "Measurements of solubilities and dissolution rates of several hydroxyapatites" Biomaterials 23, 751-755	
	63	Nelson, D. G. A. (1981) "The Influence of Carbonate on the Atomic-Structure and Reactivity of Hydroxyapatite" Journal of Dental Research 60, 1621-1629	
	64	Cornilsen, B. C. et al. (1979) "Vibrational-Spectra of Beta-Ca2p2o7 and Gamma-Ca2p2o7" Journal of Inorganic & Nuclear Chemistry 41, 602-605	
	65	Dewaal, D. et al. (1994) "Vibrational-Spectra of a Solid-Solution of Cadmium and Calcium Pyrophosphate" Materials Research Bulletin 29, 1129-1135	
	66	Hezel, A. et al. (1967) "Vibrational Spectra of Some Divalent Metal Pyrophosphates" SPECTROCHIMICA ACTA Part a-Molecular Spectroscopy A 23, 1583	
	67	Pena, J. et al. (2003) "Hydroxyapatite, tricalcium phosphate and biphasic materials prepared by a liquid mix technique" Journal of the European Ceramic Society 23, 1687-1696	
	68	Rigby, S. P. et al. (2004) "Characterisation of porous solids using integrated nitrogen sorption and mercury porosimetry" Chemical Engineering Science 59(1): 41-51	
	69	W. J. Stark, et al. (2002) Aerosol flame reactors for manufacture of nanoparticles. Powder Technol., 126, 103-108	

Examiner Signature	/Bijan Ahvazi/	Date Considered	06/15/2010
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